## Bill

Received: 11/05/1999					Received By: nilsepe			
Wanted	: As time perm		Identical to LRB:  By/Representing: Cindy McGinnis					
For: Br	ian Burke							
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## Bill

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Received: 11/05/1999					Received By: nilsepe  Identical to LRB:  By/Representing: Cindy McGinnis			
Wanted: As time permits								
For: Brian Burke								
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12/09/1999 01:56:57 PM Page 2

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## Bill

Received: 11/05/1999  Wanted: As time permits				Received By: nilsepe  Identical to LRB:				
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Bill

Received: 11/05/1999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Brian Burke

By/Representing: Cindy McGinnis

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact: Casey Perry

Alt. Drafters:

Subject:

Transportation - traffic laws

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Motorists approaching parked law enforcement officers

**Instructions:** 

See Attached

**Drafting History:** 

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nilsepe

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## **LEGISLATIVE REFERENCE BUREAU**

## **BILL REQUEST FORM**

Legal Section, 5th Floor, 100 N. Hamilton St. (608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for BILL drafts. Attach more pages if necessary.

Date of request:	Legislator or agency requesting this draft:
Name/phone number of person submitting request:	Sen. Burke
Cindu M'Ginnis 6-8	3535
Persons to contact for questions about this draft (names and phone numbers please):	
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Cases Perry - State Troops  Describe the problem, including any helpful	13 X350CICTION (4001978-0-3)
examples. How do you want to solve the	
problem?	<u> </u>
attacked Mono and model leg	gis lation and
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If you know of any statute sections that might be	
affected, please list them or provide a marked	
(not re-typed) copy.	
Please attach a copy of any correspondence or mate (not re-typed) copy of any LRB draft, or provide its no	erial that may help us. You may also attach a marked umber (e.g., 1997 LRB-2345/1 or 1995 AB-67):
Requests are confidential unless stated otherwis	e. u? u YES XNO only casey Perry
May we tell others that we are working on this for you	u? I YES X NO 8~18 Consey 12.
If yes, anyone who asks? YES NO Any legislator? YES NO ONLY the fo	Nowing persons:
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Do you consider this urgent?   YES NO If	yes, please indicate why:
Is this request of higher priority than other pending r	• • • •
☐. YES ♀ NO If yes, please sign your name h	GIG.

Mcginnis, Cindy

From: Sent: Casey L. Perry [caseyperry@juno.com] Wednesday, October 27, 1999 4:07 PM

To:

Sen.Burke@legis.state.wi.us

Cc:

JesEarly@aol.com

Subject:

Request for introduction of legislation

Dear Cindy,

Per our phone conversation today I am enclosing Indiana's new law regarding traffic to either move to the left and/or slow down when approaching a stopped law enforcement officer along the highway (multiple lane same direction). Milwaukee Sheriff's department has lost an officer along with the state patrol from people not moving over or slowing when approaching a police officer along the highway. Each year we have several officers injured and squads damaged (recent high profile crash this past winter on I-94 involving a trooper and Racine deputy, summer before trooper on motorcycle in Kenosha County was injured to the point of his having to take a duty disability retirement, etc).

Please read this law from Indiana their legislators recently passed this after loosing three troopers in about a year period. Give me a call after and we can further discuss this issue. Thank you.

Сазеу

Wisconsin Troopers Assn.

#### **INDIANA LAW**

First Regular Session 111<sup>th</sup> General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1427

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

346.04 346.19 SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

(1) Yield the right-of-way.

(2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.

(3) Stop and remain in the position until the authorized emergency vehicle has passed.

- (b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:
- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(b) (c) This section does not operate to relieve the person who drives an authorized emergency vehicle from the duty to drive operate the vehicle with due regard for the safety of all persons using the highway.

SECTION 2. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 49. Except as provided in sections 50, 51, and 52, and 54 of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 3. IC 9-21-8-54 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 54. (a) A person who violates section 35(b) of this chapter commits a Class A infraction.

(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(c) If a violation of section 35(b) of this chapter results in injury to another person, in addition to any other penalty Imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one hundred eighty (180) days and not more than two (2) years.

(d) If a violation of section 35(b) of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for two

(2) years.

- (e) The bureau shall, upon receiving a record of a judgment entered against a person under this section:
  - (1) suspend the person's driving privileges for a mandatory period; or

(2) extend the period of an existing suspension for a fixed period;

of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment.



## State of Misconsin 1999 - 2000 LEGISLATURE

LRB-3898/?
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT Western

AN ACT : relating to: motorists approaching certain authorized emergency

vehicles stopped on a highway and providing a penalty.

### Analysis by the Legislative Reference Bureau

Current law generally requires motorists to drive in the right—hand lane of the roadway. Motorists are also generally required to pass to the left of traffic traveling in the same direction, but are allowed to pass traffic to the right under certain circumstances.

This bill requires any motorist approaching an authorized emergency vehicle (such as police, fire, ambulance and conservation warden vehicles) that is stopped on the paved portion of a roadway and that is giving visual signal by a flashing light, to move into a lane not occupied by the authorized emergency vehicle and travel in that lane until he or she passes the authorized emergency vehicle. If the roadway has only one lane for traffic traveling in the direction of the approaching motorist, or if the motorist cannot change lanes safely or without interfering with other traffic, the days to active motorist must slow until \$ has passed the authorized emergency vehicle. A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The bill also requires a court to suspend the violator's operating privilege for not less than 90 days nor more than one year, if the violation resulted in damage to another's property; to suspend the violator's operating privilege for not less than 180 days nor more than two years, if the violation resulted in bodily harm to another; and to suspend the violator's operating privilege for two years if the violation resulted in death of another. The requirements take effect on July 1, 2000.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **Section 1.** 343.30 (10) of the statutes is created to read: 2 343.30 (10) Upon conviction of a person for violating s. 346.072, the court shall 3 suspend the violator's operating privilege as follows if any of the tollow it and the suspenditude of the 4 (a) If the offense resulted in damage to the property of another but did not result 5 **MADDATED** for a period of not less than 90 days nor more in bodily harm to another 6 7 than one year (b) If the offense resulted in bodily harm to another but did not result in the 8 for a period of not less than 180 days nor more than death of another 9 10 years (c) If the offense resulted in death another another for a period of 11 12

**SECTION 2.** 346.05 (3) of the statutes is amended to read:

346.05 (3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right—hand lane then available for traffic, or as close as practicable to the right—hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway, and except as provided in s. 346.072.

History: 1995 a. 138. SECTION 3. 346.072 of the statutes is created to read:

346.072 Passing stopped emergency vehicles. (1) The operator of a motor
vehicle approaching an authorized emergency vehicle that is parked or standing on
a roadway and is giving visual signal shall proceed with due regard for all other
traffic and shall do either of the following:
(a) Move the vehicle into a lane that is not occupied by the authorized
emergency vehicle and continue traveling in that lane until safely clear of the
authorized emergency vehicle. This paragraph applies only if the roadway has at
least two lanes for traffic proceeding in the direction of the approaching vehicle and
if the approaching vehicle may change lanes safely and without interfering with any
vehicular traffic.
(b) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
the vehicle at a reduced speed until completely passed the authorized emergency
vehicle. This paragraph applies only if the roadway has only one lane for traffic
proceeding in the direction of the approaching vehicle or if the approaching vehicle
may not change lanes safely and without interfering with any vehicular traffic.
(2) In addition to any penalty imposed under s. 346.17 (2), any person violating
this section may have his or her operating privilege suspended as provided in s.
343.30 (10).
SECTION 4. 346.17 (2) of the statutes is amended to read:
346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), $346.072$ , 346.08,
346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to

forfeit not less than \$30 nor more than \$300.

LRB-3898/? PEN.....

SECTION 5

- 1 (1) This act first applies to vehicles operated on July 1, 2000, or on the first day
  2 of the 4th month beginning after publication, whichever is later.
- 3 (END)



## State of Misconsin 1999 - 2000 LEGISLATURE

LRB-38984 PEN:cjs:km

## 1999 BILL



AN ACT to amend 346.05 (3) and 346.17 (2); and to create 343.30 (10) and 346.072 of the statutes; relating to: motorists approaching certain authorized emergency vehicles stopped on a highway and providing a penalty.

## Analysis by the Legislative Reference Bureau

Current law generally requires motorists to drive in the right—hand lane of the roadway. Motorists are also generally required to pass to the left of traffic traveling in the same direction, but are allowed to pass traffic to the right under certain circumstances.

This bill requires any motorist approaching an authorized emergency vehicle (such as police, fire, ambulance and conservation warden vehicles) that is stopped on the pared portion of a road way, and that is giving visual signal by a flashing light, to move into a lane not occupied by the authorized emergency vehicle and travel in that lane until he or she passes the authorized emergency vehicle. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist, or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow until he or she has passed the authorized emergency vehicle.

A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The bill also requires a court to suspend the violator's operating privilege for not less than 90 days nor more than one year, if the violation resulted in damage to another's property; to suspend the violator's operating privilege for not less than 180 days nor more than two years, if the violation resulted

between the boundaries of a highway

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in bodily harm to another; and to suspend the violator's operating privilege for two years if the violation resulted in the death of another. The requirements take effect on July 1, 2000.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.30 (10) of the statutes is created to read:

343.30 (10) Upon conviction of a person for violating s. 346.072, the court shall suspend the violator's operating privilege as follows:

- (a) For a period of not less than 90 days nor more than one year, if the offense resulted in damage to the property of another but did not result in bodily harm to another.
- (b) For a period of not less than 180 days nor more than 2 years, if the offense resulted in bodily harm to another but did not result in the death of another.
  - (c) For a period of 2 years, if the offense resulted in the death of another.

**SECTION 2.** 346.05 (3) of the statutes is amended to read:

346.05 (3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right—hand lane then available for traffic, or as close as practicable to the right—hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway, and except as provided in s. 346.072.

SECTION 3. 346.072 of the statutes is created to read:

	346.072 Passing stopped emergency vehicles. (1) The operator of a motor
	vehicle approaching an authorized emergency vehicle that is parked or standing on
	a hyperty and is giving visual signal shall proceed with due regard for all other
	traffic and shall do either of the following:
	(a) Move the vehicle into a lane that is not occupied by the authorized
	emergency vehicle and continue traveling in that lane until safely clear of the
	authorized emergency vehicle. This paragraph applies only if the roadway has at
	least two lanes for traffic proceeding in the direction of the approaching vehicle and
	if the approaching vehicle may change lanes safely and without interfering with any
	vehicular traffic.
	(b) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
	the vehicle at a reduced speed until completely past the authorized emergency
	vehicle. This paragraph applies only if the roadway has only one lane for traffic
	proceeding in the direction of the approaching vehicle or if the approaching vehicle
	may not change lanes safely and without interfering with any vehicular traffic.
	(2) In addition to any penalty imposed under s. 346.17(2), any person violating
)	this section that have his or her operating privilege suspended as provided in s.
	343.30 (10).
	SECTION 4. 346.17 (2) of the statutes is amended to read:
	346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,
	346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to
	forseit not less than \$30 nor more than \$300.
	SECTION 5. Initial applicability.

- 1 (1) This act first applies to vehicles operated on July 1, 2000, or on the first day
  2 of the 4th month beginning after publication, whichever is later.
- 3 (END)

## STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU – LEGAL SECTION (608–266–3561)

I This bill require motorists to a lanes when approaching an Energency vehicle stopped on a "highway". A highway defined as the entire width between the bo	
vehicle stopped on a "highway". A highway  defined as the entire width between the bo	
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stopped 12 feet off the right edge of t	he
pavement steps between the boundary lines.	, This
law might be clearer if it spenfied the di	Stance
from the edge of the pavement (e.g. "Cha	nge lenes
will likely be unaware of the highway's bound	cres;
à motavis+	
when approaching an emergency retirde 540pped wi	Hain
17 feet of the paved portion of a highway	4)
-PEN	

## DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3898/2dn PEN:cjs:mrc

November 30, 1999

This bill requires motorists to change lanes when approaching an emergency vehicle stopped on a "highway". A highway is defined as the entire width between the boundary lines (s. 340.01 (22), stats.). An approaching motorist will likely be unaware of the highway's boundaries; a motorist may not know, for example, whether a police vehicle stopped 12 feet off the right edge of the pavement is between the boundary lines. This law might be clearer if it specified the distance from the edge of the pavement (e.g. "change lanes when approaching an emergency vehicle stopped within 12 feet of the paved portion of a highway").

Paul E. Nilsen Legislative Attorney Phone: (608) 261–6926

## STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU** – LEGAL SECTION (608–266–3561)

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## State of Misconsin 1999 - 2000 LEGISLATURE

LRB-38989 PEN:cjs:mrc

## 1999 BILL

Jos Joseph

AN ACT to amend 346.05 (3) and 346.17 (2); and to create 343.30 (10) and

346.072 of the statutes; relating to: motorists approaching certain authorized

emergency vehicles stopped in a highway and providing a penalty.

## Analysis by the Legislative Reference Bureau

Current law generally requires motorists to drive in the right—hand lane of the roadway. Motorists are also generally required to pass to the left of traffic traveling in the same direction, but are allowed to pass traffic to the right under certain circumstances.

This bill requires any motorist approaching an authorized emergency vehicle (such as police, fire, ambulance and conservation warden vehicles) that is stopped the production of a highway and that is giving visual signal by a flashing light, to move into a lane not proposed the authorized emergency vehicle and travel in that lane until he or she passes the authorized emergency vehicle. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist, or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow until he or she has passed the authorized emergency vehicle.

A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The bill also requires a court to suspend the violator's operating privilege for not less than 90 days nor more than one year, if the violation resulted in damage to another's property; to suspend the violator's operating privilege for not less than 180 days nor more than two years, if the violation resulted

on or within 12 feet of the parties

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in bodily harm to another; and to suspend the violator's operating privilege for two years if the violation resulted in the death of another. The requirements take effect on July 1, 2000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.30 (10) of the statutes is created to read:

343.30 (10) Upon conviction of a person for violating s. 346.072, the court shall suspend the violator's operating privilege as follows:

- (a) For a period of not less than 90 days nor more than one year, if the offense resulted in damage to the property of another but did not result in bodily harm to another.
- (b) For a period of not less than 180 days nor more than 2 years, if the offense resulted in bodily harm to another but did not result in the death of another.
  - (c) For a period of 2 years, if the offense resulted in the death of another.

**SECTION 2.** 346.05 (3) of the statutes is amended to read:

346.05 (3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway, and except as provided in s. 346.072.

SECTION 3. 346.072 of the statutes is created to read:

1	346.072 Passing stopped emergency vehicles. (1) The operator of a motor
2	vehicle approaching an authorized emergency vehicle that is parked or standing on
(3)	vehicle approaching an authorized emergency vehicle that is parked or standing on a continuous and is giving visual signal shall proceed with due regard for all other
4	traffic and shall do either of the following:  the lane nearest the parked or standing
<b>(5)</b>	(a) Move the vehicle into a lane that is not occupied by the authorized
6	emergency vehicle and continue traveling in that lane until safely clear of the
7	authorized emergency vehicle. This paragraph applies only if the roadway has at
8	least two lanes for traffic proceeding in the direction of the approaching vehicle and
9	if the approaching vehicle may change lanes safely and without interfering with any
10	vehicular traffic.
11	(b) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
12	the vehicle at a reduced speed until completely past the authorized emergency
13	vehicle. This paragraph applies only if the roadway has only one lane for traffic
14	proceeding in the direction of the approaching vehicle or if the approaching vehicle
15	may not change lanes safely and without interfering with any vehicular traffic.
16	(2) In addition to any penalty imposed under s. $346.17(2)$ , any person violating
17	this section shall have his or her operating privilege suspended as provided in s.
18	343.30 (10).
19	SECTION 4. 346.17 (2) of the statutes is amended to read:
20	346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,
21	346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to
22	forfeit not less than \$30 nor more than \$300.
23	Section 5. Initial applicability.

- 1 (1) This act first applies to vehicles operated on July 1, 2000, or on the first day
  2 of the 4th month beginning after publication, whichever is later.
- 3 (END)

# SUBMITTAL FORM

## LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/09/1999

To: Senator Burke

2400	10, 50,000 2 0,110
	Relating to LRB drafting number: LRB-3898
Topic Motorists approaching parked law enforcemen	t officers
Subject(s) Transportation - traffic laws	in Panha
1. JACKET the draft for introduction	1 8 14
in the Senate or the Assembly (c	heck only one). Only the requester under whose name the
drafting request is entered in the LRB's draf	ting records may authorize the draft to be submitted. Please
allow one day for the preparation of the requ	tired copies.
2. <b>REDRAFT.</b> See the changes indicated or a	ttached
A revised draft will be submitted for your ap	proval with changes incorporated.
3. Obtain FISCAL ESTIMATE NOW, prior	to introduction
If the analysis indicates that a fiscal estimate	is required because the proposal makes an appropriation or
increases or decreases existing appropriation	s or state or general local government fiscal liability or
revenues, you have the option to request the	fiscal estimate prior to introduction. If you choose to
introduce the proposal without the fiscal esti	mate, the fiscal estimate will be requested automatically upon
introduction. It takes about 10 days to obtain	a fiscal estimate. Requesting the fiscal estimate prior to
introduction retains your flexibility for possi	ble redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney Telephone: (608) 261-6926